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Filing date: **09/27/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91168732
Party	Plaintiff RA SCOTTSDALE CORP.
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Submission	Other Motions/Papers
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Date	09/27/2007
Attachments	RAmotiontosubstitute.pdf ( 5 pages )(60890 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

RA Scottsdale, Corp.,

Opposer,

v.

2 Manatees L.L.C.,

Applicant.

Opposition No.: 91168732

Serial No.: 76/574049

For the mark IN THE RAW

**MOTION TO SUBSTITUTE OPPOSER**

Opposer RA Scottsdale Corp. hereby submits its Motion to Substitute as Opposer its parent corporation and successor in interest, RA Sushi Holding Corp., a Delaware corporation.

On September 12, 2007, RA Scottsdale recorded with the Patent and Trademark Office an assignment of all rights in Registration Nos. 2,209,246; 3,087,775; 3,087,776 and Application Nos. 77/201,764; 77/201,770 to its parent company, RA Sushi Holding Corp. This assignment was recorded at reel 3619 and frame 0629.

Pursuant to FED. R. CIV. P. 25(c), made applicable to Board proceedings by 37 C.F.R. § 2.116(a), when there is a transfer of interest, “the action may be continued by or against the original party, unless the court upon motion directs the person to whom the interest is transferred to be substituted in the action or joined with the original party.” FED. R. CIV. P. 25(c); *see also Hamilton Burr Publishing Co. v. E. W. Communications, Inc.*, 216 U.S.P.Q. 802, 807 n. 1 (TTAB 1982).

RA Sushi Holding Corp. now holds all rights and interests in the registrations and applications that form the basis for opposition to registration of Applicant’s claimed mark. It is therefore appropriate that RA Sushi Holding Corp. be substituted as Opposer in place of RA Scottsdale Corp. Opposer therefore respectfully requests that the Board grant its Motion to Substitute. A proposed form of caption is attached as Exhibit A.

DATED: 27<sup>th</sup> September , 2007

Respectfully submitted,

By: 

Glenn Spencer Bacal  
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Attorneys for Opposer

**EXHIBIT A**  
**PROPOSED FORM OF CAPTION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

RA Sushi Holding Corp. (successor to RA  
Scottsdale, Corp.),

Opposer,

v.

2 Manatees L.L.C.,

Applicant.

Opposition No.: 91168732

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For the mark IN THE RAW

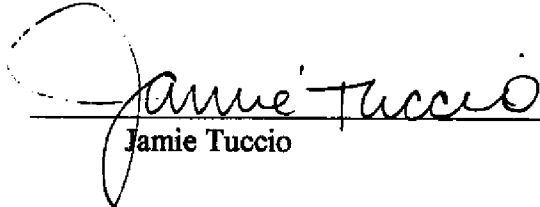
CERTIFICATE OF MAILING OR TRANSMISSION PURSUANT TO 37 C.F.R. §1.8

Application No.: 76/574049  
Mark: IN THE RAW  
Opposer: RA Scottsdale Corp.  
Type of Filing: Motion to Substitute Opposer

I hereby certify that on September 27, 2007 this Motion to Substitute Opposer is being filed electronically with the United States Trademark Trial and Appeal Board 37 C.F.R. § 1.8.

I hereby further certify that on September 27, 2007 this Motion to Substitute Opposer is being deposited with the United States Postal Service addressed to:

James E. Weger, Esq.  
John W. Cannon, Esq.  
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Jamie Tuccio